

CITY COUNCIL  
ATLANTA, GEORGIA

06- R -2107

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF CYNTHIA  
MINCEY IN THE AMOUNT OF \$735.85  
AGAINST THE CITY OF ATLANTA AND FOR  
OTHER PURPOSES**

**WHEREAS**, CYNTHIA MINCEY, has filed a claim against the City of Atlanta seeking damages to her vehicle due to driving through an open and unsecured construction cut on Metropolitan Parkway, SW at its intersection with Erin Avenue, SW; and

**WHEREAS**, the claimant asserted damages in the amount of \$735.85 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of CYNTHIA MINCEY, be settled for the sum of \$735.85; and

**WHEREAS**, this claim was previously recommended for denial on the basis that the open construction cut was the responsibility of the Georgia State Department of Transportation and the Council of the City of Atlanta adopted an adverse recommendation on July 17, 2006; and

**WHEREAS**, information has recently been received confirming that this construction cut was in fact created by the Bureau of Wastewater Treatment and Collections and was left in an unsafe and unsecured manner.

**THEREFORE, BE IT RESOLVED** that resolution number 06-R-1517 be hereby rescinded.

**BE IT FURTHER RESOLVED** by the Council of the City of Atlanta, Georgia that payment in the amount of \$735.85 be made by the City of Atlanta to CYNTHIA MINCEY, in satisfaction of any and all claims stemming from damages sustained on or about July 15, 2005, at Metropolitan Parkway, SW at its intersection with Erin Avenue, SW and that the City Attorney prepare appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01 (Water and Sewer Fund) 529017 (Property Liquidation) Q30001 (Deputy Director Wastewater Treatment and Collections).

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 05L0807

Date: September 14, 2006

Claimant /Victim: Cynthia Mincey

BY:(Atty)(Ins. Co.)

Address: 1411 Beatie Avenue, Atlanta, GA 30310

Subrogation: Claim for Property damage \$ 3,280.62 Bodily Injury \$

Date of Notice: 9/19/05 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 7/15/05 Place: 1292 Metropolitan Parkway

Department: Watershed Management Bureau: Wastewater Treatment and Collections

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her vehicle sustained damage when she drove over an unsecured construction cut at the above location. This claim was originally denied as we had no information supporting the claimant's allegation. However, additional information was submitted to us from the Georgia Department of Transportation, which confirmed that the bureau of Wastewater Treatment and Collections performed the work which caused damage to the claimant's vehicle.

### INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

### BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

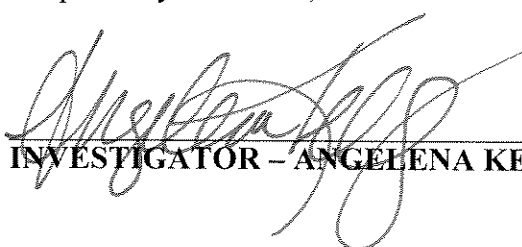
Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$ 735.85 Adverse Account charged: 1A01 2J01 X 2H01 2P01

Claims Manager: Concur/date 09/14/06

Committee Action: Council Action

06-R-1517

Entered - 9/19/05 - sb  
CL- 05L0807 - Angelena Kelly

Claim of: Cynthia Mincey  
1411 Beatie Avenue  
Atlanta, GA 30310

For damages allegedly sustained as a result of driving over  
a pothole on July 15, 2005 at 1292 Metropolitan Parkway.

THIS ADVERSED REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

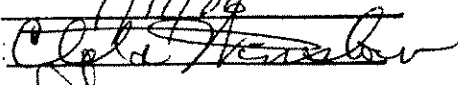
## ADVERSE REPORT

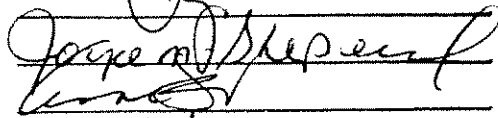
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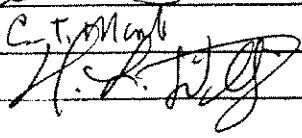
LEGAL ADMINISTRATION COMMITTEE

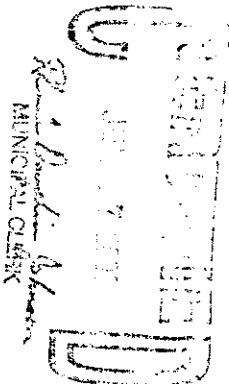
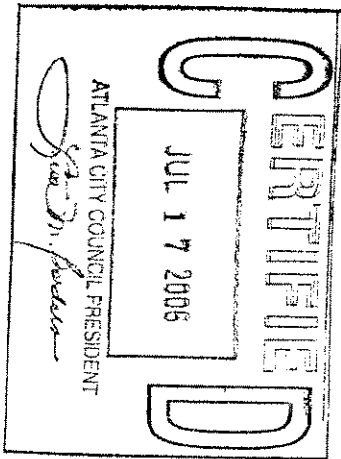
DATE:

CHAIR:

7/14/06  




C. T. Mincey  




RECEIVED BY  
CITY CLERK

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 05L0807

Date: June 27, 2006

Claimant /Victim: Cynthia Mincey

BY:(Atty)(Ins. Co.) \_\_\_\_\_

Address: 1411 Beatie Avenue, Atlanta, GA 30310

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 3,280.62

Bodily Injury \$ \_\_\_\_\_

Date of Notice: 9/19/05

Method: Written, proper \_\_\_\_\_

Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_

X

Ante Litem (6 Mo.) \_\_\_\_\_

X

Date of Occurrence: 7/15/05

Place: 1292 Metropolitan Parkway

Department: Public Works

Bureau: Transportation

Employee involved: \_\_\_\_\_

Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that her vehicle sustained damage when she drove over a pothole at the above location. However, our investigation determined that this location is maintained by the state and has been forwarded to the Georgia Department of Transportation for handling. The claimant has been advised to pursue her claim with the Georgia Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Others \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: \_\_\_\_\_ Concur/date \_\_\_\_\_

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

9/11/05 09/22/05 Kelly

# 2447.54 - Car Repair  
250.00 - My Cash Deductible  
24.00 - My Car X 2.0  
370.85 - 1st Rental Car  
188.23 - 2nd " " property  
TOTAL \$3,280.62

Dear Municipal Clerk:

ENTERED - 9-30-05 - SB

05L0807 - ANGELENA KELLY

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$  
and/or \$ pending bodily injury for which I contend the City is liable.

1. Date of incident: 7-15-2005 2. Time of Incident: 21:37pm 3. Police called: X  
(month/day/year) Yes No

4. Location of incident (including street address): 1292 Metropolitan Pkwy SW

5. Name of your insurance company: MetLife Casualty & Auto Policy No. GA 010 29933

6. State what and how incident occurred: My vehicle and eight other vehicles drove North on Metropolitan Parkway in the right lane over an uncovered hole in the roadway. Each vehicle received damage from the right front end of the vehicles. Along with my passenger we sustained minor injuries in the incident.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 2002 Chevrolet Malibu AGY7201 Cynthia L. Mincey  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: NA  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Ms. Nellie Booker 1362 Hartford Ave. A.H. GA 30310 404-755-8139  
(Name) (Address) (Telephone Number)  
Rev. DONAL Brooks Metropolitan Ave. A.H. 404-688-0764  
(Name) (Address) (Telephone Number)  
Bernie Rose 1350 GATES Dr. Atlanta, GA 30315 404-212-4929  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Cynthia L. Mincey  
Signature of Claimant

Cynthia L. Mincey  
(Print Claimant's Name)

1411 Beattie Ave SW  
(Address)

Atlanta, GA 30310  
(City, State and Zip Code)

678-476-7011  
(Work Number)

404-755-7424  
(Home Number)

